

Attorney Docket No.: C6656(C)  
Serial No.: 10/748,038  
Filed: December 30, 2003  
Confirmation No.: 6775

**Amendments to the Specification:**

**Please replace the 3<sup>rd</sup> paragraph on page 1 with the following amended paragraph:**

While this package has been well received by the industry including manufacturers, retailers and consumers, a disadvantage is that it requires a large amount of headspace such that when the container is ~~place~~placed on its front wall during use, the product level is not higher than the bottom most of the vent opening since venting of the container requires partial unscrewing of the vent cap. If the product level was higher than the bottom most level of the vent opening, the product would spill out of the package through the vent opening. Thus, the container can in use hold much less than its actual volume. With the relatively large size of ~~the~~these containers it is preferable to be able to make better use of the actual volume of the container rather than make another larger container larger since a larger container is more cumbersome for the consumer to carry and larger containers require more shelf space in the store, use more plastic and cost more, as well ~~use as~~as use more space and more secondary packaging during distribution to the retail outlets.

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**Please replace the 1<sup>st</sup> full paragraph on page 2 with the following amended paragraph:**

Accordingly, for such types of containers with a vent, there ~~exist~~exists a need for a vent closure that enables more of the actual volume of the container to be used. In other words, there ~~exist~~exists a need for such a container with a vent closure which enables the container to have less headspace.

**Please replace the 2<sup>nd</sup> paragraph on page 2 with the following amended paragraph:**

An object of the present invention is to provide a venting closure that reduces the amount of headspace, thus enabling more of the actual volume of the container to be used.

**Please replace the last paragraph on page 2 with the following amended paragraph:**

Schulz, U.S. Pat. No. 3,951,293 discloses a gas permeable liquid closure for containers of liquids or solids which emit or absorb gas. The closure includes a gas permeable film of unsintered tetrafluoroethylene polymer. The film is supported across an opening of the container by a perforated cap or perforated sealing diaphragm. The vent stopper is said to be suitable for containers of all kinds. The gas permeable material is an unsintered tetrafluoroethylene polymer with a fibrillated structure and a density of less than about 1.4. It may be suitable to support the film to be used on one or both sides by supporting members such as perforated disks, diaphragms, lattices,

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meshes or grates or the like. Holding devices can have distinct profile rings. In FIG. 3, the disk of unsintered tetrafluoroethylene polymer with a fibrillated structure and a density of less than about 1.4 is held only by ring-shaped ridges and practically the entire surface of the disk is available for the passage of gas without coming in contact in the center with the cover bottom or the lockable core.

**Please replace the last paragraph on page 4 with the following amended paragraph:**

Other closure patents of include Mattson, U.S. Pat. No. 5,901,867, Von Reis et al., U.S. Pat. No. 4,765,499, Painchaud et al., U.S. Pat. No. 5,176,271, Gaines et al., U.S. Pat. No. 3,521,784, Canzano et al., U.S. Pat. No. 5,117,999, Bilani et al., U.S. Pat. No. 5,657,891, Costa et al., U.S. Pat. No. 5,730,306, and Costa et al., U.S. Pat. No. 5,579,936.

**Please replace the last paragraph on page 8 with the following amended paragraph:**

To facilitate dispensing of product, the container includes a vent closure 50 of the invention and a vent cap. The vent closure 50 of the invention comprises the container top wall 12 which acts as the base on which the vent 50 is located. A cylindrical neck 52 extends from container top wall 12. Cylindrical neck 52 has an upper edge 54 and has a given internal diameter that defines a vent opening 58 having a given cross sectional area. A liquid impermeable patch 60 is adhered to at least a portion of the upper edge 54 of the cylindrical neck 52. The patch 60 covers the vent

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opening 58 and has an aperture 62 that is smaller in cross sectional area than the cross sectional area of the cylindrical neck. The aperture 62 is positioned in a predetermined area of the vent opening 58. The vent 50 also includes a vent cap ~~58~~ 57.

**Please replace the last paragraph on page 9 with the following amended paragraph:**

The vent closure of the invention enables the amount of product that may be held in a container which has a vent opening to be increased without spilling during use. As previously stated, in the type of container shown in the figures herein, the container is rested on its front surface 14 during use. The contents of the container will naturally flow towards the front surface during use leaving any headspace in the container towards the back surface 16 (which is the upward most surface when the container is placed in position for use). Obviously, the container can only hold product such that the product level during use of the container remains below the lowest point of the vent opening. The patch of the vent closure of the invention in essence moves the lowest point of the vent opening upward. Accordingly, the vent closure of the invention, by raising the lowest point of the vent opening, enables more of the container to be used for holding product and thus increasing the effective size of the container. For example, referring to Figure 3, in a conventional container with a ~~convention~~-conventional vent closure, the lowest point of the vent opening is at 70. In such a container, the container can only hold the amount of product up to a level at or below 70 without it leaking out the vent opening. In a container having the vent closure of the invention, the bottom most level of the vent opening (i.e. the lowest point of aperture 62 in the patch 60) is at 72. Thus, in a container in accordance with the invention, the amount of product held

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in the container can go up to level at or below 72. As a result, a container having a vent closure in accordance with the invention can hold more product without having to actually increase the size of the container.

**Please replace the 2<sup>nd</sup> paragraph on page 10 with the following amended paragraph:**

The patch 60 is liquid impermeable so that if the level of product in the container during use is higher than the lower-most edge 64 of the vent opening, but lower than the aperture 62 in the patch, the product will not spill through the vent. The patch may be made from a single layer of material or may be made of multiple layers of the same or various different materials. The patch has an inner surface 110 and an outer surface 112. The inner surface 110 being is the patch surface that directly faces the container opening and is exposed to the product within the container. The outer surface being is the patch surface that is opposite the inner surface and faces the vent cap 57 of the venting closure. Preferably the inner surface is a foil layer such as aluminium foil with a heat seal layer such that the patch may be adhered to a portion of the upper edge 54 of the cylindrical neck 52 by induction sealing or other means known in the art. The heat seal layer may be any polymeric film and/or coating that is known for use with induction/heat sealing operations including, without limitation, polyethylene polyethylene. Other sealing materials and sealing means may be used within the spirit of the invention as long as the patch is seal-sealed to at least a portion of cylindrical neck 52. It is also preferable that the outer surface of the patch has a backing layer 120 that is releasably adhered to the outer surface of the patch such that the backing layer separates from the patch when the vent cap is loosened. The backing layer can be a

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separate layer that is attached to the outer surface of the patch or can be a part of the patch itself, in which case the surface of the backing layer opposite the patch inner surface will be the patch's outer surface.

**Please replace the last paragraph on page 10 with the following amended paragraph:**

The patch may take any form as long as it is impermeable to liquid. Also, it preferably has an inner surface that will adhere to the a-portion of the upper edge 54 of the cylindrical neck 52. Preferably sealing the patch to a portion of the upper edge 54 of the cylindrical neck 52 is by induction heating. As previously stated, the patch typically and preferably has an inner surface which is a foil and which has on it a heat seal layer. The heat seal layer is actually the layer that is the inner surface, however, it is typically used solely to seal the foil layer to a surface such as a portion of the upper edge 54 of the cylindrical neck 52 and thus the foil may be considered to be the inner surface of the patch. However, the heat seal layer may be a dual role material and thus may be both a material that seals the inner layer to a surface and acts as a barrier of some sort (e.g. fragrance barrier, liquid barrier, etc.). In any case, the patch may have numerous layers.

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**Please replace the 3<sup>rd</sup> full paragraph on page 12 with the following amended paragraph:**

During manufacture of the vent closure and containers containing the vent closure, the outer surface 112 of patch 60 is adhered to the inner surface 120 of vent cap-58 57. The vent cap is then secured to the cylindrical neck 52 of vent 50. The vent, with vent cap on, is then placed through an induction heater, which causes the inner surface 110 (preferably a foil layer) of the patch 60 to be sealed to at least a portion of the upper edge 54 of the cylindrical neck 52. The effective usable portion of the container now becomes any portion of the container that is below the portion of the patch that is sealed to the upper edge of the cylindrical neck as well as below the level of the aperture 62 in the patch 60 when the container 10 is placed on its front surface 14 during use. This is a preferred method manufacture, however, other methods that are known in the art or are within the spirit of the invention may also be used.

**Please replace the 1<sup>st</sup> full paragraph on page 13 with the following amended paragraph:**

In a preferred embodiment, the vent cap 57 has on its outer surface 122 a raised portion 130 which is useful during assembly to ensure that the cap is positioned in essentially the same position in each venting closure thus aiding to position the aperture 62 in the patch 60 in a predetermined position in the vent closure. As previously indicated, it is preferable that the patch 60 is positioned in the vent cap 58 such that the aperture 62 is positioned as close to the back wall (i.e. uppermost wall during use) as possible. The raised portion 130 aids in positioning the cap (and thus

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the patch) by being detectable by assembly equipment which ensures that the raised portion is in essentially the same position when each vent cap 57 is attached to the cylindrical neck 52 during production. The phrase aperture being "positioned in a predetermined area" is meant to mean that the assembly is controlled by some means, such as that described previously, to positioned position the aperture in an intended area as opposed to a random area. The aperture does not have to be in the exact same location each and every time, as the position may be offset slightly from one application to the next. During assembly, the patch may be inserted into the vent cap such that the aperture in the patch is at essentially the same position within the cap and then the cap may be aligned by the raised portion 130 such that it is at essentially the same position once it is tightened onto the container. This will enable the aperture in the patch to be positioned in a predetermined area for each product coming off of an assembly line.

**Please replace the last paragraph on page 13 with the following amended paragraph:**

It will be appreciated that when the container is in its dispensing position resting on front wall 14, it may be desirable to rest measuring cup 44 momentarily. Since it is envisioned that the container may be made of a material, such as certain thermoplastics, which is relatively smooth, in accordance with the invention, a non uniform section may be provided within one of the walls to assist in maintaining the cup in its position while it is disposed on the container. An example is illustrated in Fig. 1 wherein surface ~~60-66~~ which has a racetrack-like periphery, has been etched into rear wall 16.